IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.MC.No. 344 of 2007()

CRRP.24/2006 of SESSIONS COURT, THODUPUZHA
CMP.1765/2006 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, DEVICOLAM (ORDER)

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PETITIONER: PETITIONER

NJANADURAI, S/O.PAKKIANADAR,
PARAKKAL HOUSE, KUNCHITHANNI, DEVIKULAM,
IDUKKI DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED
BY THE FOREST RANGE OFFICER, DEVIKULAM
FOREST RANGE-THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM,
KOCHI-31.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 344 of 2007

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Dated this the 12th day of February, 2007

O R D E R

The petitioner claims to be the owner of a jeep. That vehicle is allegedly involved in the transportation of animal meat in violation of the provisions of the Wild Life Protection Act. The petitioner applied for release of the vehicle in his favour. The learned Magistrate rejected the application on the ground that the petitioner had not produced the original documents. The petitioner preferred a revision. The learned Sessions Judge also dismissed the revision petition on the ground that the name of the owner in the photostat copy of the R.C. and photostat copy of Insurance certificate of the vehicle do not exactly tally.

2. The learned counsel for the petitioner submits that the courts have not really considered the crucial question whether the petitioner is the registered owner of the vehicle in the proper perspective. The petitioner has the name Njanadurai and that word is differently spelt by persons. The letters 'n' and 'j' have created all the confusion. The petitioner is willing to produce all the documents

before the learned Magistrate. The learned Magistrate may be directed to consider the original documents to be produced by the petitioner and dispose of Crl.M.P. 1765 of 2006 again, it is submitted.

3. In the peculiar facts and circumstances of the case, I am satisfied that such a direction can certainly be issued, though I do not find sufficient justification for the failure of the petitioner to produce the original documents before the learned Magistrate at the first instance.

4. This Crl.M.C. is allowed. Annexs. A and B orders, i.e. Order dt.8.11.06 in C.M.P. 1765 of 2006 by the J.F.C.M., Devikulam and order dt. 7.2.2007 in Crl.R.P. 24 of 2006 of the Sessions Judge, Thodupuzha are set aside and the learned Magistrate is directed to dispose of C.M.P. 1765 of 2006 afresh expeditiously. The petitioner can appear before the learned Magistrate with a copy of this order on 19.2.2007 and produce the original documents before the learned Magistrate within four days from that date.

5. Hand over copy to the learned counsel for the petitioner forthwith.

(R. BASANT)
Judge

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